

AF/2700/2645/81

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Peter J. Foster
SERIAL NO. : 09/264,387 EXAMINER : Ming Chow
FILED : March 8, 1999 ART UNIT : 2645
FOR : INTELLIGENT CALL PROCESSING PLATFORM FOR HOME
TELEPHONE SYSTEM

APPEAL BRIEF TRANSMITTAL LETTER

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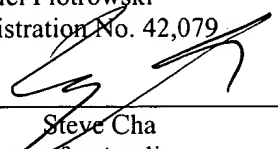
Dear Sir:

Appellants respectfully submit three copies of a Brief For Appellants that includes an Appendix with the pending claims. In a telephone conversation with Examiner Chow on February 17, 2004, he acknowledged that the USPTO system shows the Appeal Brief entered into the system as of January 6, 2004. Thus, it is believed no extension of time is required as the two month period runs from the date of receipt.

Appellants enclose a check in the amount of \$330.00 covering the requisite Government Fee.

Should the Examiner deem that there are any issues which may be best resolved by telephone communication, kindly telephone Applicants undersigned representative at the number listed below.

Respectfully submitted,
Daniel Piotrowski
Registration No. 42,079

By: 
Steve Cha
Attorney for Applicant
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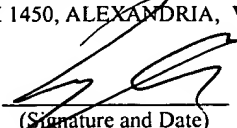
Date: February 17, 2004

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(Signature and Date)



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

In re the Application

Inventor : Peter J. Foster
Application No. : 09/264,387
Filed : March 8, 1999
For - - : INTELLIGENT CALL PROCESSING PLATFORM
FOR HOME TELEPHONE SYSTEM

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APPEAL BRIEF

On Appeal from Group Art Unit 2645

Date: February 17, 2004

Daniel J. Piotrowski
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I. REAL PARTY IN INTEREST

The real party in interest is the assignee of the present application, U.S. Philips Corporation, and not the party named in the above caption.

II. RELATED APPEALS AND INTERFERENCES

With regard to identifying by number and filing date all other appeals or interferences known to Appellant which will directly effect or be directly affected by or have a bearing on the Board's decision in this appeal, Appellant is not aware of any such appeals or interferences.

III. STATUS OF CLAIMS

Claims 31-42 and 52-55 have been presented for examination. All of these claims are pending, stand finally rejected, and form the subject matter of the present appeal.

IV. STATUS OF AMENDMENTS

The last Amendment was filed on June 12, and did not place the application in allowance. The Final Rejection was issued on September 12, 2003 in response thereto. There were no Amendments filed after the Final Rejection was issued.

V. SUMMARY OF THE INVENTION

The claimed invention comprises an intelligent telephone call processing control platform 2 (Fig. 1) for use with a telephone system. The platform is arranged for use between a remote switching system and one or more telephones 4a-4n (Fig. 1, and specification at page 6, lines 13-16, and page 7, lines 3-5). An interface 52 (Fig. 3) connects the platform directly to on-site telephones and an interface 48 permits connection with a central telephone office (specification at page 8, lines 12-15 and Fig. 3). A digital signal processor (DSP) 42 (Fig. 3) controls overall operation of the system,

such as data, address and control buses (Fig. 3 and specification at page 8, lines 5-8). A speech recognizer (ROM 28 and 34 and DSP 42) contains nonvolatile operational code and provide the digital processor with permanent storage of speech recognition tables and pre-stored speech message (specification at page 9, lines 1-5) and includes a flash memory 30 for storing verification data (specification at page 9, lines 5-6. An optional PC interface 36 attaches to a pc (not shown) that contains a voice recognition algorithm, to provide voice recognition in addition to data verification by flash memory 30 as a means to recognize the validity of a speaker. The speaker, after being identified, can control the operation of the control platform by speaking authorized commands to manipulate how the telephone system is used, such as by having a bank telephoned, directory assistance, family members (specification at page 10, lines 1-9).

VI. ISSUES

(1) Whether claims 31, 32, 34, 36, 39, 40, 42 and 52-55 stand correctly rejected under 35 §102(e) as allegedly anticipated by Green (U.S. 5,274,695).

(2) Whether claims 33 and 39 stand correctly rejected under 35 U.S.C. §103(a) over Green as applied to claim 31 above, and in view of Stogel (U.S. 5,483,579).

(3) Whether claims 35 and 41 stand rejected under 35 U.S.C. §103(a) over Green in view of Engelbeck et al. (U.S. 5,452,340, hereafter "Engelbeck").

(4) Whether Claims 37 is rejected under 35 U.S.C. §103(a) as being unpatentable over Green as applied to claim 36, and view of Velius (U.S. 5,594,784).

VII. GROUPING OF CLAIMS

Claims 31-42 and 52-55 stand or fall together.

VIII. ARGUMENT

(1) 35 U.S.C. §102(e) by Green:

It is respectfully submitted that none of the instant claims are anticipated by Green, as this reference merely discloses a system for verifying the identity of a caller in a telecommunications network that uses a voice responsive control device 28 that compares spoken utterances with that of previous stored references. The control device 28 (Green at column 2, lines 56-60) stores and retrieves spoken utterances of identifying data, such as pass codes, and compares those previously spoken utterances with utterances currently spoken by a user trying to gain access. The reference discloses a scenario where a person social security number is listed for identification purposes, and the user merely has to recite the social security number, or a pass code to gain access, provided that a comparison of the presently recited social security number (for example) matches the spoken utterances in storage.

Green in its preferred use provides the caller with an easier way to make credit card telephone calls, because it is easier to recite one's social security number than a four digit telephone company password that is seldom used.

However, Green fails to disclose or suggest "an interface connecting the platform directly to the on-site telephone system" as recited by instant claim 31 (it is also noted that independent claim 36 has similar limitations). In addition, Green also fails to disclose or suggest that the processor controls "a plurality of operational feature services

or control access of the on-site telephone system in response to a plurality of operational commands" as also recited by instant claim 31. Nor does Green disclose or suggest a speech recognizer having a speech recognition input for recognizing voice input including operational commands, and have an access list allowing the identified speaker to input those authorized commands.

In the Response to Arguments section of the Final Rejection at page 8, it is alleged by the Examiner that Green teaches at column 4, lines 59-62 that "a voice server prompts a switch to complete the call" that allegedly reads on the instantly claimed "processor controlling the control access of the on-site telephone system." Applicants respectfully but strongly disagree, as the above recitation means that the processor is on-site with the telephone system. The invention is adapted for a home user or office user hooking up the processor to control one or more of his telephones (aka on-site telephones).

First, Applicants respectfully submit that Fig. 1 shows two telephones, 18 and 20, each of which is connected to a respective LEC (local exchange carrier) 14, 16. Local Exchange Carriers are, for example, local telephone companies, such as Verizon. The "controller 28" disclosed by Green is part of the network 12 and is accessed by LEC 14 for telephone 18 and LEC 16 for telephone 20. For example, a user in New York dials the telephone 18 and tries to reach his friend in Alexandria, Virginia at telephone 20 using his credit card. Before the call is completed, the controller 28 requests from the user to say his social security number, which is then compared with the social security number on file for the telephone account for telephone 18. If the comparison is successful, the call is completed and the telephone 20 rings.

Green also discloses at column 2, lines 45-49 that the interexchange network (IC) network 12 carries long distance telecommunications traffic between LECs or LATA. As the controller 28 is clearly part of the IC network 12, how can the arrangement of the controller 28 of Green possibly read on "an interface connecting platform directly to the on-site telephone system" as recited by claim 31? The control platform in the present invention is locally attached (i.e. "directly connected") to the telephones, whereas the arrangement in Green shows the LECs and long distance switches arranged between the controller network 28 and the telephones.

For at least the above reasons, it is respectfully submitted that none of the instant claims are anticipated by Green.

With regard to rejections under 35 U.S.C. §102, MPEP 2131 explains the proper application of an anticipation rejection by reciting the case of *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), wherein the Court of Appeals for the Federal circuit held that:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

In accordance with the above holding, Applicants respectfully submit that none of the instant claims are anticipated by Green as each and every element set forth in the instant claims are not found in a single prior art reference.

Accordingly, Applicants respectfully request the Honorable Board to overturn the rejection under 35 U.S.C. §102(e) in the Final Rejection.

(2) (3) (4) **All rejections under 35 U.S.C. §103(a):**

Applicants respectfully submit that the rejections of dependent claims 33,39 35,41 and 47 under the combinations of Green and one of Stogel, Engelbeck, and Velius still fails even to render any of the base claims to be unpatentable. Thus, although it is believed that the dependent claims also have a separate basis for patentability, they nonetheless are patentable at least for dependency upon an allowable base claim.

Accordingly, reversal of all grounds of rejection under 35 U.S.C. §103(a) by the Honorable Board are requested in light of the foregoing.

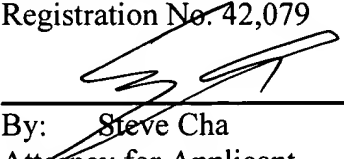
IX. CONCLUSION

In view of the above analysis, it is respectfully submitted that the referenced teachings, whether taken individually or in combination, fail to anticipate or render obvious the subject matter of any of the present claims. Therefore, reversal of all outstanding grounds of rejection is respectfully solicited.

Respectfully submitted,

Daniel J. Piotrowski
Registration No. 42,079

Date: February 17, 2004


By: Steve Cha
Attorney for Applicant
Registration No. 44,069

X. APPENDIX: THE CLAIMS ON APPEAL

31. A control platform for use between a remote switching system and an on-site telephone system including at least one telephone, the platform comprising:

an interface connecting the platform directly to the on-site telephone system;

a processor controlling a plurality of operational feature services or control access of the on-site telephone system in response to a plurality of operational commands; and

a speech recognizer having a speech recognition input for receiving and recognizing voice input including the operational commands and identifying the speaker associated with the voice input, and having an access list allowing the identified speaker to input those operational commands for which the speaker is authorized.

32. The control platform of claim 31 wherein the processor is further configured to control playback of messages in response to receipt of a command trigger by the speech recognizer.

33. The control platform as in claim 31 wherein the processor is a personal computer.

34. The control platform as in claim 31 wherein the speaker enters commands via a telephone connected to the on-site system.

35. The control platform as in claim 31

wherein the plurality of commands includes a command to enter a new directory entry into the on-site system.

36. A control platform for providing a variety of telephone services to a local telephone system having at least one telephone, comprising:

a local interface for connecting the platform to at least one of the telephones of the local telephone system;

a communications circuit for interfacing the platform to external communications means; and

a processor interconnected with the local interface and communications circuit for providing a user with command triggered access to a plurality of telephone services, the processor further comprising:

a voice recognizer for recognizing commands input by the user over the communications interface and communications circuit, the voice recognizer identifying the user from the commands spoken by the user, the voice recognizer generating a plurality of command triggers in response to the spoken commands; and

announcing means for providing predetermined messages to the user.

37. The control platform as in claim 36 wherein the processor is further configured to identify a caller based upon a caller I.D. number in an incoming call received over the communications circuit and for controlling the announcing means to

announce the identified caller in response to receipt of a command trigger by the voice recognizer.

38. The control platform as in claim 36 wherein the processor further includes means for controlling playback of messages in response to receipt of a command trigger by the voice recognizer.

39. The control platform as in claim 36 wherein the processor is a personal computer.

40. The control platform as in claim 36 wherein the user enters commands via a telephone connected to the control platform.

41. The control platform as in claim 36 wherein the plurality of command triggers includes a command to enter a new directory entry into the on-site system.

42. The control platform as in claim 36 wherein the processor further includes means for controlling the accessed telephone service through a telephone handset in response to receipt of a command trigger by the voice recognizer.

52. A centralized control platform for providing a variety of telephone services to a local telephone system having at least one telephone, comprising:

a local interface for connecting the platform to at least one of the telephones of the local telephone system;

a communications circuit for interfacing the platform to external communications means;

processing means interconnected with the local interface and communications circuit for providing the user with command triggered access to a plurality of telephone services, the processor further comprising:

a voice trigger recognizer for recognizing voice command triggers input by a user over the communications interface and communications circuit;

means for determining identity of the user using voice recognition;

means for determining from the user's identity the authorization level of the user to enter commands; and

announcing means for providing predetermined messages to the user.

53. The centralized control platform of claim 52 wherein the processing means further includes:

means for controlling the announcement means to request a validation code to provide a user access to the platform in response to receipt of a command trigger by the voice trigger recognizer; and

means for providing access to the platform if the user enters a proper validation code in response to a prompt issued by the platform following receipt of a command trigger by the voice trigger recognizer.

54. The centralized control platform of claim 52 wherein the processor further includes means for controlling playback of messages in response to receipt of a command trigger by the voice trigger recognizer.

55. The control platform of claim 52 wherein the processing means further includes:

means for accessing a plurality of outbound telephone services for connection to a remote switching system in response to receipt of a first command trigger by the voice trigger recognizer; and

means for initiating an outbound call using one of the plurality of outbound telephone services in response to receipt of a second command trigger by the voice trigger recognizer.